

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2478. A communication from the Clerk of the United States Court of Federal Claims, transmitting, pursuant to law, a report relative to S. 1456; to the Committee on the Judiciary.

EC-2479. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "National Research Service Awards" (RIN0925-AA16) received on June 18, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC-2480. A communication from the Acting Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Water and Waste Disposal Programs Guaranteed Loans" (RIN0572-AB57) received on June 18, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2481. A communication from the Executive Resources and Special Programs Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Administrator, received on June 14, 2001; to the Committee on Environment and Public Works.

EC-2482. A communication from the Counsel to the Inspector General, United States General Services Administration, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Inspector General, received on June 8, 2001; to the Committee on Governmental Affairs.

EC-2483. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the Federal Financial Assistance Management Improvement Act of 1999; to the Committee on Governmental Affairs.

EC-2484. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-67, "Arena Fee Rate Adjustment and Elimination Act of 2001"; to the Committee on Governmental Affairs.

EC-2485. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-69, "Advisory Neighborhood Commission Temporary Amendment Act of 2001"; to the Committee on Governmental Affairs.

EC-2486. A communication from the Chairman of the Counsel of the District of Colum-

bia, transmitting, pursuant to law, a report on D.C. Act 14-68, "Child Fatality Review Committee Establishment Temporary Act of 2001"; to the Committee on Governmental Affairs.

EC-2487. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-70, "Earned Income Tax Credit Act of 2001"; to the Committee on Governmental Affairs.

EC-2488. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-71, "Real Property Tax Assessment Transition Temporary Act of 2001"; to the Committee on Governmental Affairs.

EC-2489. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-74, "51 Percent District Residents New Hires Amendment Act of 2001"; to the Committee on Governmental Affairs.

EC-2490. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-72, "Department of Mental Health Establishment Temporary Amendment Act of 2001"; to the Committee on Governmental Affairs.

EC-2491. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Panama City, FL" (Doc. No. 01-57) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2492. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Great Falls, MT" (Doc. No. 00-114) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2493. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Oklahoma City, OK" (Doc. No. 99-297) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2494. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Monticello, Maine" (Doc. No. 01-64) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2495. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Lima, OH" (Doc. No. 01-51) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2496. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Butte, MT" (Doc. No. 01-29) received on June 14, 2001; to the Com-

mittee on Commerce, Science, and Transportation.

EC-2497. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Galesburg, IL" (Doc. No. 01-53) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2498. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations; Atlantic City, NJ" (Doc. No. 01-49) received on June 14, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2499. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Tuna Fisheries; Regulatory Adjustment; Deadline for Atlantic Tunas Permit Category extended until May 31 for 2001 only" (RIN0648-AP29) received on June 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC-2500. A communication from the Acting Deputy Director of the Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of a Grant of Conditional Exception" received on June 13, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-2501. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Chile; to the Committee on Banking, Housing, and Urban Affairs.

EC-2502. A communication from the Deputy Secretary of the Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Application of the Electronic Signatures in Global and National Commerce Act to Record Retention Requirements Pertaining to Issuers under the Securities Act of 1933, Securities Exchange Act of 1934 and Regulation S-T" (RIN3235-A114) received on June 14, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-2503. A communication from the Under Secretary for Export Administration, transmitting, pursuant to law, a report relative to the export of ammonium nitrate; to the Committee on Banking, Housing, and Urban Affairs.

EC-2504. A communication from the Acting Chair of the Federal Subsistence Board, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska, Subpart C and D—2001-2002 Subsistence Taking of Fish and Wildlife Regulations" (RIN1018-AG55) received on June 13, 2001; to the Committee on Energy and Natural Resources.

EC-2505. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Kentucky Regulatory Program" (KY-230-FOR) received on June 18, 2001; to the Committee on Energy and Natural Resources.

EC-2506. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule

entitled "Minimum Cost Requirement Permitting the Transfer of Excess Assets of a Defined Benefit Pension Plan to a Retiree Health Account" (RIN1545-AY43) received on June 18, 2001; to the Committee on Finance.

EC-2507. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "State Child Health; Implementing Regulations for the State Children's Health Insurance Program: Further Delay of Effective Date" (RIN0938-A128) received on June 18, 2001; to the Committee on Finance.

EC-2508. A communication from the Regulations Coordinator of the Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Provisions of the Benefits Improvement and Protection Act of 2001; Inpatient Payments and Rates and Costs of Graduate Medicaid Education" (RIN0938-AK78) received on June 18, 2001; to the Committee on Finance.

EC-2509. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, a report entitled "The Year in Trade 2000"; to the Committee on Finance.

EC-2510. A communication from the Assistant Director for Executive and Political Personnel, Department of the Navy, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Secretary of the Navy; to the Committee on Armed Services.

EC-2511. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Under Secretary of Defense (Acquisition, Technology and Logistics); to the Committee on Armed Services.

EC-2512. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Under Secretary of Defense (Personnel and Readiness); to the Committee on Armed Services.

EC-2513. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Department of Defense General Counsel; to the Committee on Armed Services.

EC-2514. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of the Navy (Manpower and Reserve Affairs); to the Committee on Armed Services.

EC-2515. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of General Counsel of the Department of the Army; to the Committee on Armed Services.

EC-2516. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Assistance Secretary of Defense (Force Management Policy); to the Committee on Armed Services.

EC-2517. A communication from the Deputy Director, Selective Service System, transmitting, pursuant to law, the report of a nomination and a nomination confirmed for the position of Director, Selective Serv-

ice System; to the Committee on Armed Services.

EC-2518. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Secretary of the Air Force; to the Committee on Armed Services.

EC-2519. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the identification of the Requirements to Reduce the Backlog of Maintenance and Repair of Defense Facilities for 2001; to the Committee on Armed Services.

EC-2520. A communication from the Assistant Secretary of Defense, Force Management Policy, transmitting, pursuant to law, a report relative to Army Communications-Electronic Command Research, Development, and Engineering Community; to the Committee on Armed Services.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-107. A resolution adopted by the City Council of North Olmsted, Ohio relative to national health care insurance plan; to the Committee on Health, Education, Labor, and Pensions.

POM-108. A resolution adopted by the House of the Legislature of the State of Colorado relative to federal regulation governing mining on public lands; to the Committee on Energy and Natural Resources.

#### HOUSE RESOLUTION 01-1015

Whereas, The regulations at 43 C.F.R. Part 3809 (3809 regulations) governing the management of mining operations for hardrock minerals on federal lands that were published by the Bureau of Land Management (BLM) on November 21, 2000, 65 Federal Register 69998, and which became effective January 20, 2001, will have substantial adverse impacts on the mining industry in Colorado and throughout the United States; and

Whereas, The BLM has forecast that the implementation of the regulations will result in the loss of up to 6,000 jobs, costing American workers almost \$400 million in personal income, and the agency also projects that mine production from public lands under the regulations could also decline by as much as 30% or \$484 million; and

Whereas, The regulations would also impose massive additional obligations on state regulators charged with the responsibility of regulating mining on public lands through cooperative agreements with the BLM; and

Whereas, Congress commissioned the National Research Council (NRC) of the National Academy of Sciences to conduct a comprehensive analysis of mining regulations; and

Whereas, Congress prohibited the BLM from promulgating final 3809 regulations, except for revisions that are "not inconsistent with" the recommendations contained within the NRC report, Hardrock Mining on Federal Lands, published in 1999; and

Whereas, The NRC report concluded that the existing array of federal and state laws regulating mining is "generally effective" in protecting the environment, and that "improvements in the implementation of existing regulations present the greatest opportunity for improving environmental protections"; and

Whereas, Notwithstanding the unequivocal findings of the NRC report, the BLM published amendments to the 3809 regulations

that go far beyond the seven "regulatory gaps" identified in the report; and

Whereas, The BLM inserted several additional provisions that ignored the findings of the NRC report, including a "mine veto" provision that was never subject to public review and comment, as required by the federal "Administrative Procedures Act" and the United States Constitution; and

Whereas, The BLM further ignored the advice and recommendations of the Western Governors Association, which specifically advised the BLM to adhere to the findings of the NRC report; and

Whereas, The State of Nevada and two industry organizations have filed suit asking that the regulations which became effective on the last day of the former presidential administration be set aside; and

Whereas, The litigation calls into substantial question the validity of the 3809 regulations; and

Whereas, The BLM has conducted a preliminary review of the regulations, has concerns about "substantial policy and legal issues" raised in these lawsuits, and wants to resolve such concerns before implementing a new regulatory program; and

Whereas, The BLM published a proposal on March 23, 2001, 66 Federal Register 16162, to suspend all or some parts of the regulations that took effect on January 20, 2001, pending a complete review of the issues; and

Whereas, If such regulations were suspended, mining activities would be subject to the state and federal laws and regulations that the NRC found to be effective in protecting the environment and that were in place prior to the adoption of the current scheme; and

Whereas, The BLM's and the new presidential administration's actions once again demonstrate the willingness to provide a balance between important goals of environmental protection and responsible development of our nation's mineral resources; now, therefore, be it

*Resolved by the House of Representatives of the Sixty-third General Assembly of the State of Colorado;*

That the Colorado House of Representatives hereby expresses its support for the action of the Department of the Interior and the Bureau of Land Management in reviewing and proposing to suspend the 3809 regulations that took effect on January 20, 2001.

That the Colorado House of Representatives urges the Bureau of Land Management to promulgate new 3809 regulations that adhere to the specific recommendations of the report of the National Research Council of the National Academy of Sciences entitled Hardrock Mining on Federal Lands, as the United States Congress has mandated. Be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States; to the United States Department of the Interior, Bureau of Land Management, Washington, D.C.; to the Honorable Gale Norton, Secretary of the Interior, Washington, D.C.; and to the United States House of Representatives and the United States Senate.

POM-109. A joint resolution adopted by the Legislature of the State of Colorado relative to the Railroad Retirement and Survivors Improvement Act; to the Committee on Finance.

#### HOUSE JOINT RESOLUTION 01-1012

Whereas, The Railroad Retirement and Survivors Improvement Act of 2000 was approved in a bipartisan effort by 391 members of the United States House of Representatives in the 106th Congress, including Representatives Diana DeGette, Scott McInnis, Thomas Tancredo, and Mark Udall; and